

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JAMES ZOPFI,

Plaintiff,

VS.

SOLARI HOSPICE CARE LLC, *et al*,

Defendants.

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CIVIL ACTION NO. 3:12-CV-00353

ORDER

Defendant Solari Hospice Care, LLC removed this action to federal court on December 7, 2012. Docket Entry No. 1. It asserted that this Court had diversity jurisdiction to hear the matter under 28 U.S.C. § 1332. *Id.* at 2. Plaintiff James Zopfi seeks to remand the action on the ground that both he and Defendant Kelsey-Seybold Medical Group, PLLC are citizens of Texas and, therefore, complete diversity of citizenship is lacking. Docket Entry No. 7. At the January 23, 2012 conference before this Court, Defendants conceded that Plaintiff and Kelsey-Seybold are citizens of Texas and that Kelsey-Seybold was properly-joined as a defendant.

The Court thus finds that there is no federal subject matter jurisdiction under 28 U.S.C. § 1332. Plaintiff's Motion to Remand (Docket Entry No. 7) is **GRANTED**. The Court **REMANDS** the action to the Brazoria County Civil Court at Law No. 3 in Brazoria County, Texas.

SIGNED this 23rd day of January, 2013.

A handwritten signature in black ink, reading "Gregg Costa", is written over a horizontal line.

Gregg Costa
United States District Judge